

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

	)	
	)	
BLUE HEN HOTEL, LLC,	)	
	)	CIVIL ACTION NO. 05-CV-00221 (KAJ)
Plaintiff,	)	
	)	JURY TRIAL DEMANDED
v.	)	
	)	
CHARLES P. ARENA,	)	
	)	
Defendant.	)	
	)	

**PLAINTIFF, BLUE HEN HOTEL, LLC’S,  
CERTIFICATION OF COUNSEL PURSUANT TO D. DEL. LR 7.1.1**

Pursuant to D. Del. LR 7.1.1, the undersigned counsel for plaintiff, Blue Hen Hotel, LLC (“BHH”), James S. Yoder, hereby certifies as follows:

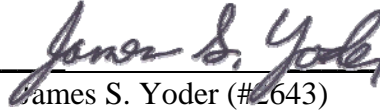
1. On August 22, 2006 I spoke with counsel for defendant Charles P. Arena by telephone and proposed that if Mr. Arena were made available for deposition, plaintiff would not pursue a Motion to Compel as to the unanswered written discovery in this case.

2. Opposing counsel indicated that she would confer with her client and then advise as to defendant’s position on discovery.

3. Prior to the filing of plaintiff’s Motion to Compel Discovery (D.I. #26) the undersigned did not receive a return phone call or other communication from defense counsel regarding this case.

4. Due to the impending discovery cut off, thirty days hence, it was necessary to file the Motion to Compel.

5. Nevertheless, plaintiff is still willing to abide its proposal for resolving this discovery impasse.

A handwritten signature in dark ink, appearing to read "James S. Yoder", is written over a horizontal line.

James S. Yoder (#2643)

**WHITE AND WILLIAMS LLP**

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*Attorney for Plaintiff,*

*Blue Hen Hotel, LLC*

Dated August 29, 2006

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

_____	)	
	)	
BLUE HEN HOTEL, LLC,	)	
	)	CIVIL ACTION NO. 05-CV-00221 (KAJ)
Plaintiff,	)	
	)	JURY TRIAL DEMANDED
v.	)	
	)	
CHARLES P. ARENA,	)	
	)	
Defendant.	)	
_____	)	

**CERTIFICATE OF SERVICE**

I, James S. Yoder, Esquire, do hereby certify that on this 29<sup>th</sup> day of August, 2006, two (2) copies of the foregoing **PLAINTIFF'S CERTIFICATION OF COUNSEL PURSUANT TO D. DEL. LR 7.1.1** were delivered by U.S. mail to the following party:

Joanne Ceballos, Esquire  
Bifferato, Gentilotti, Biden & Balick, P.A.  
1308 Delaware Avenue  
P.O. Box 2165  
Wilmington , DE 19899-2165

**WHITE AND WILLIAMS LLP**

By:       /s/ James S. Yoder        
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***Attorney for Plaintiff,  
Blue Hen Hotel, LLC***